IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

Bail Appl..No. 6476 of 2007()

CMP.6318/2007 of J.M.F.C.-III,NEYYATTINKARA
CR.43/07 OF THIRUPURAM EXCISE RANGE

.....

: PETITIONER/ACCUSED:

VASANTHY, W/O. LATE APPU,
RESIDING AT MURUKA VILASOM, OTTARA,KANJIRAMKULAM,
PREVIOUSLY RESIDING AT MANKALA MANALI PUTHEN VEEDU
KANJIRAMKULAM.

BY ADV. SRI.G.SUDHEER

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6476 of 2007

Dated this the 24th day of October, 2007

ORDER

Application for regular bail. The petitioner, a woman, faces allegations under the Kerala Abkari Act. She was allegedly found to be in possession of 5 litres of arrack on 9.9.07. As no woman official was available in the detecting excise party, she was not arrested. She approached this Court for anticipatory bail. That application was dismissed as per order dated 26.09.07 in B.A.No.5740 of 2007. Later, the petitioner surrendered before the learned Magistrate on 15.10.07. The petitioner continues in custody from that date. The learned Public Prosecutor submits that the petitioner has a number of other cases registered against her. In fact, the petitioner was earlier released on bail on 4.09.07. The present crime is allegedly committed by her on 9.9.07. In these circumstances, the State is obliged to oppose the application for bail, submits the learned Public Prosecutor .

2. In the wake of opposition by the learned Public Prosecutor, bail can be granted to the petitioner only if this Court is in a position to entertain both satisfactions contemplated under Section 41 A of the Kerala Abkari Act. On the materials presently available, I am unable to entertain either of those two satisfactions. I find merit

in the opposition of the learned Public Prosecutor. In a case like the investigator is certainly entitled to reasonable further time to complete the investigation. The petitioner cannot hence be granted bail at this stage.

3. This application is, in these circumstances, dismissed. I may hasten to observe that the petitioner shall be at liberty to move this Court for bail again at a later stage of the proceedings, not, at any rate, prior to 07.11.2007. The investigator shall in the meantime make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

rtr/-